

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW FRANCIS,

Plaintiff,

v.

MICHAELS STORES INCORPORATED, a  
corporation doing business in the State of  
Washington,

Defendant.

NO. CV10-5542 RBL

**JOINT STIPULATION AND  
ORDER FOR REMAND TO  
THURSTON COUNTY SUPERIOR  
COURT**

**STIPULATION**

Plaintiff Matthew Francis stipulates that in this lawsuit, he is pursuing Washington State statutory and common law claims exclusively and seeks total damages, inclusive of recoverable attorneys fees, in an amount that is less than \$75,000.00, the federal minimum threshold. Therefore, Plaintiff and Defendant Michaels Stores Incorporated hereby agree and stipulate that this matter should be remanded to the Thurston County Superior Court, without costs and fees to either party, pursuant to 28 U.S.C. § 1447. Plaintiff reserves the right to assert fee recovery requests beyond the federal minimum of \$75,000 to Thurston County Superior Court, but only if allowed under CR 11, 26 and 37.

///

STIPULATION AND ORDER OF REMAND - 1

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

1 DATED this 16<sup>th</sup> day of August, 2010.

2 BONIN & COOK PS

LANE POWELL PC

3  
4 By s/ John Bonin (per email Agreement  
5 dated August 16, 2010)

6 John R. Bonin, WSBA #25760  
Attorneys for Plaintiff

By s/ D. Michael Reilly

D. Michael Reilly, WSBA #14674  
Renee Grant Bluechel, WSBA # 39500  
Attorneys for Defendant

7  
8 **ORDER**

9 Based upon the foregoing Stipulation that the case involves Washington State  
10 statutory and common law claims only, that the amount in controversy is less than \$75,000.00,  
11 the federal minimum threshold, and that Plaintiff will not seek to recover damages and attorney  
12 fees in excess of that amount, except that Plaintiff may assert fee recovery requests beyond the  
13 federal minimum of \$75,000 to Thurston County Superior Court, but only if such fees would be  
14 allowed under CR 11, 26 and 37.

15 IT IS ORDERED, ADJUDGED and DECREED that this cause is remanded to the  
16 Thurston County Superior Court, without costs or fees to the parties.

17  
18 DONE IN OPEN COURT this 17<sup>th</sup> day of August, 2010.

19   
20 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

21  
22  
23  
24  
25  
26  
STIPULATION AND ORDER OF REMAND - 2

1 Presented by:  
2 LANE POWELL PC

3 By s/ D. Michael Reilly  
4 D. Michael Reilly, WSBA #14674  
5 Renee Grant Bluechel, WSBA #39500  
6 Attorneys for Defendant

7 Approved as to Form;  
8 Notice of Presentation Waived  
9 By John Bonin (per email Agreement dated  
10 August 16, 2010)  
11 John R. Bonin, WSBA #25760  
12 Attorneys for Plaintiff  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

STIPULATION AND ORDER OF REMAND - 3